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This Iowa DNR Animal Feeding Operations Listserv is a subscription service that you have requested. This listserver is targeted to those who own and/or operate animal feeding operations or those who are actively engaged in regulatory activities surrounding animal feeding operations. This listserver will offer regulatory news, program updates and technical guidance.

In this March 13, 2006 issue:

1. New Construction Permit Process for Confinements

New Construction Permit Process for Confinements

Beginning December 2005, the DNR implemented a new process when reviewing construction permit applications for new construction, expansion or modification of confinement feeding operations. The new process applies to all applications now being received for construction proposed in the 2006 construction season. The new process does not result from rule change but allows a more efficient review of projects by providing better guidance and enabling applications to be more complete.

The new process is important to livestock and poultry producers who are required to obtain DNR construction permits, their consultants and county governments. The following forms and instructions are available on the DNR Web site at: <http://www.iowadnr.com/afo/forms.html>.

Construction Permit Application (542-1428),

Construction Design Statement (542-8068),

Professional Engineer Design Certification Form (542-8122)

Master Matrix document (542-8043)

Storm Water Permit - Notice of Intent for NPDES Coverage under General Permit - No.2 (542-1415)

Storm Water Permit - Public Notice of Storm Water Discharge (542-8117)

Storm Water Permit - Notice of Discontinuation of a Storm Water Discharge - No.2 (542-8115)

Application for Water Use Permit or Permit Modification - Water Withdrawal/Use Permit (542-3106)

Flood Plain Permit (36)

Manure Management Plan Forms updated to include the Phosphorus Index (542-4000)

Main Steps in the New Process:

1. Obtain required information on alluvial soils and Karst areas for the proposed construction site. Contact the DNR for further details on these issues when putting together a permit application. Present the application to the county first and get a receipt to submit to the DNR with the application.
2. Every permit application received by the DNR will be checked for completeness. The new application forms include a checklist to make clear what must be submitted. Obtain the forms on the Web site above or contact the DNR directly. Incomplete application documents will be returned with detailed instructions.

3. Once an application is accepted, the project will be placed on the DNR's 60-day review clock.
4. The DNR will fax a courtesy reminder letter to the county with all instructions the county needs to be aware of. This includes the deadline for a public notice, and when applicable, the county's evaluation of the application using the master matrix and the deadline for recommendation to the DNR.
5. The DNR Field Office will contact the applicant, and the county when applicable, to do a site survey. The intent is also to have any DNR comments on the manure management plan (MMP) available at the site survey visit. The goal for this is 3 weeks.
6. The DNR reviewer may contact the applicant if additional information is needed.

The review process is essentially the same. The DNR's intent is to complete the review in 60 days so final action can be made (approval or denial). The DNR may extend the review time 30 days, if necessary. This can occur during periods of high numbers of applications. If necessary to provide information requested by the DNR or to meet legal requirements, applicants may request unlimited 30-day extensions up to one year. Lacking extensions, if the application is not approvable, it will be denied.

Frequent reasons why applications are returned:

1. Lack of master matrix support is the most frequent reason why applications are returned. The master matrix requires that a design, operation and maintenance plan be submitted with the permit application and become a condition in the permit if points are claimed for Matrix items 12 - 19, 25, 26"b", "c", and "d" or 44. In addition, a supporting document must be included if points are claimed for items 7, 11, 21, 22, 26"a", 26"e", 27 - 34, 37, 38, or 40 - 43.
2. The DNR strongly recommends that every item in the master matrix contain an itemized design, operation and maintenance plan or documentation about each matrix item where points are claimed. Failure to have this could result in a non-passing matrix score and permit denial.
3. Lack of an adequate aerial photo or site drawing that shows the location of the proposed confinement feeding structures and all objects to which a separation distance is required, accurately showing that all required separation distances are being met.
4. Inadequate fees (too much or too little), is another reason for returned applications. The application form now includes better instructions and examples on how to calculate the fees.
5. To avoid having your application returned; closely follow the appropriate Submittal Checklist in the application forms.

Frequent causes that delay application reviews:

1. Lack of compliance with separation distances is one of the most common reasons. Early in your planning, contact the DNR office in Des Moines or the DNR Field Office for

your county to obtain information on separation distances and "adjacency." If the site does not meet separation distances, follow-up surveys are time consuming and delay the process.

2. Changes to the project or its specifications during the application review are frequent reasons for delays. Minor changes may not have an impact; however changes such as building layout, size, number and manure storage method can be major and cause delays.
3. Applicants proposing to build or use unformed storage are frequently delayed. Rules require a soils exploration study, borings and reliable groundwater elevation measurements. When the geotechnical information is inadequate or old, delays can result. To avoid this, follow "Addendum A" of DNR Form 542-1428.
4. In the past, lack of public notice by the county or inadequate public notice was a common cause of delay. The DNR expects that new instructions reminding counties of specific requirements for notices and the master matrix evaluation, will avoid these delays.

Please visit <http://www.iowadnr.com/fo/index.html> for contact information for each of our 6 DNR Field Offices.